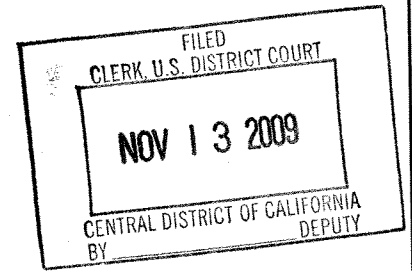


1 John A. Stillman, Esq., State Bar No. 43731
2 Heidi Stilb Lewis, Esq., State Bar No. 98046
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4 5000 Campus Drive
5 Newport Beach, California 92660
6 Telephone (949) 955-1100
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8 Attorneys for Plaintiff Frank Joseph Carderella

9 UNITED STATES DISTRICT COURT
10 CENTRAL DISTRICT OF CALIFORNIA

11 FRANK JOSEPH CARDERELLA,
12 Plaintiff,

CASE NO.

13 11 CV09-8299 R (MANx)

14 vs.

15 JANET NAPOLITANO, as Secretary of the
16 Department of Homeland Security

17 Defendant.

18) INDIVIDUAL COMPLAINT FOR
19) MONETARY AND INJUNCTIVE RELIEF
20) FOR EMPLOYMENT DISCRIMINATION
21) [Title VII of Civil Rights Act of 1964]
22) 42 U.S.C. §§1981a, 2000e et seq.]
23) (DEMAND FOR JURY TRIAL)
24)
25)
26)
27)
28)

21 Plaintiff Alleges:

22 1. This is an action brought pursuant to Title VII of the United States Civil
23 Rights Act of 1964, as amended, Title 42 United States Code Sections 1981a, 2000e et. seq., to
24 obtain relief for Plaintiff Frank Joseph Carderella ("Carderella") for alleged discrimination in
25 employment against Plaintiff because of Plaintiffs race (white)), religion (Catholic), sex (male),
26 and national origin (Italian) when on September 15, 1996, he was not selected for the position
27
28

COPY

1 of Detention Enforcement Officer, GS-7, in Los Angeles, California in violation of Title VII of
 2 the United States Civil Rights Act of 1964, as amended, Title 42 United States Code Section
 3 2000e-2(a)(1) and (2). By this action, Plaintiff Carderella seeks the following relief pursuant to
 4 Title VII, Title 42 United States Code section 2000e-5(g) and (k): monetary relief, including
 5 back pay, front pay, compensatory and punitive damages, attorney's fees and costs of suit, and
 6 injunctive relief, consisting of an order that the U.S. Immigration and Customs Enforcement
 7 immediately give Plaintiff any and all retirement credit which he would have earned if he had
 8 been transferred to the covered position of Detention Enforcement Officer as a result of said
 9 discriminatory non-selection of Plaintiff for the position of Detention Enforcement Officer, GS-
 10 7, in Los Angeles, California.

13 2. Despite the timely filing on January 29, 1997 of a Formal Complaint with
 14 the U.S. Immigration and Naturalization Service, an investigation by the Office of Equal
 15 Opportunity Employment in connection with the same, Plaintiff's timely request on January 24,
 16 1999 of a final agency decision without hearing, including review of the file by the Dept. of
 17 Justice, no further action was taken by the U.S. Immigration and Naturalization Office Of Equal
 18 Employment Opportunity. Instead, On August 1, 2008, the U.S. Immigration and Customs
 19 Enforcement Office of Equal Employment Opportunity notified Plaintiff it could not locate his
 20 file and requested he resubmit the same within 15 days, which Plaintiff did. On September 8,
 21 2008 the U.S. Immigration and Customs Enforcement Office of Equal Employment
 22 Opportunity directed Daniel Sutherland, Officer for Civil Rights and Civil Liberties Dept. of
 23 Homeland Security, to issue a final agency decision on the Plaintiff's complaint. Plaintiff has
 24 not to date, through no fault of his own, received the final agency decision and/or any further
 25 correspondence relating to the same despite recent demand including a letter seeking a Right-to-
 26
 27
 28

1 Sue letter. Plaintiff has exhausted his administrative remedies and, in the process, tolled the
2 statute of limitations for the filing of the within complaint.

3 3. Plaintiff Frank Joseph Carderella ("Carderella" or "Plaintiff") is an adult
4 person and a resident of the County of Los Angeles, California.

5 4. Plaintiff, who was then an employee of the U.S. Immigration and
6 Naturalization Service, was on September 15, 1996 denied the position of Detention
7 Enforcement Officer GS-7 ("DEO"), in Los Angeles California with the U.S. Immigration and
8 Naturalization Service.
9

10 5. Plaintiff is a white Catholic male of Italian descent.

11 6. Defendant Janet Napolitano is being sued as the Secretary of the
12 Department of Homeland Security which is the current department over U.S. Immigration and
13 Customs Enforcement which was formerly known as U.S. Immigration and Naturalization
14 Services and was under the Department of Justice and is subject to suit under Title VII of the of
15 the Civil Rights act 1964, as amended and 42 U.S.C. § 2000e-16.
16

17 7. Jurisdiction of the subject matter of this action is established in this court
18 under Title VII of the United States Civil Rights Act of 1964, as amended, Title 42 U.S.C. §
19 2000e-5(f)(3). This is the proper venue for this action under Title VII of the United Civil Rights
20 Act of 1964, as amended, Title 42 U.S.C. § 2000e-5(f)(3), in that the unlawful employment
21 practice alleged herein was committed within this Court's judicial district.
22

23 8. Plaintiff worked for the United States Bureau of Prisons from 1991-1996
24 as a Correctional Officer and as a Case Manager. Both of these positions were and are classified
25 as Law Enforcement Officers for retirement purposes which allowed the Plaintiff to be eligible
26 to receive the benefits of a specific law enforcement retirement plan. Positions that allow the
27
28

1 occupier of such positions to be eligible for such specific retirement plans are commonly
2 referred as "covered" positions.

3 9. In November 1995, Plaintiff applied at the U.S. Immigration and
4 Naturalization Service ("INS") for the position of DEO in Los Angeles, California and received
5 a telephonic interview in May 1996 with Rafael Roldan (Hispanic, Caribbean/South American
6 national origin, a male, a Roman Catholic), deportation officer, GS1801-12, Detention and
7 Deportation Branch, L.A. District, and with Denise Lopez (Black, U.S. national origin, female,
8 nondenominational), deportation officer, GS1801-12, Detention and Deportation Branch, L.A.
9 District. The interview consisted of only job and performance related questions. Plaintiff is
10 informed and believes and based on such information and belief alleges that Mr. Roldan and Ms.
11 Lopez recommended him for the subject position. While this application was being considered,
12 Plaintiff was hired by the U.S. Immigration and Naturalization Service (INS) as an Immigration
13 Inspector, which was not a Law Enforcement Officer (LEO) "covered" position, and was
14 assigned to the San Ysidro Port of Entry (POE), at the U.S./Mexico border.

15 10. A DEO is a "covered" position and Plaintiff was willing to take a pay cut
16 in order to qualify for that "covered" position.

17 11. On September 15, 1996, the selecting official, Beverly Wilson (Black,
18 U.S. national origin, female, nondenominational), Deputy Assistant District Director for
19 Detention and Deportation, GS-14, L.A. District office, did not select Plaintiff for the position
20 because of his race (white), religion (Catholic), sex (male), and national origin (Italian), but
21 selected at least one other applicant for the position. U.S. Immigration and Customs
22 Enforcement formerly the U.S. Immigration and Naturalization Service denied Plaintiff the

1 position of Detention Enforcement Officer GS-7, and continued to deny Plaintiff this position
2 for some time.

3 12. As of September 15, 1996, and at all times herein mentioned, Plaintiff was
4 in all respects qualified for the position of DEO based on the following:

- 5
- 6 a. Bachelor of Arts Degree (Physical Education), California State University,
7 Long Beach, Ca. (May 1988).
 - 8 b. Masters of Science Degree (Criminal Justice), California State University,
9 Long Beach, Ca. (December 1992
 - 10 c. Correctional Officer, Federal Bureau of Prisons, Federal Correctional
11 Institution (FCI), Terminal Island, California. 6/91-3/94, GS-7/3;
 - 12 d. Case Manager, Federal Bureau of Prisons, Federal Correctional Institution (,
13 Terminal Island, California, 3/93-2/96, GS-11/1;
 - 14 e. Special Operations Response Team (S.O.R.T.), Federal Bureau of Prisons,
15 Federal Correctional Institution , Terminal Island, California, 9/93-2/96, GS-
16 11/1;
 - 17 f. Completion of the Immigration Officer Basic Training Course (IOBTC)
18 Phase I. Federal Law Enforcement Training Center, Charleston, South
19 Carolina, June 1996.
 - 20 g. Completion of the Immigration Officer Basic Training Course (IOBTC)
21 Phase II. Federal Law Enforcement Training Center, Glynco, Georgia,
22 September 1996.
 - 23 h. Immigration Inspector, U.S. Immigration and Naturalization Service, March
24 1996-December 1997, GS-11/1, San Ysidro, California (Port of Entry);
25
26
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1 13. Without applying, Carderella was offered the position of Special
2 Operations Inspector (SOI), Los Angeles International Airport in September 1997. This was
3 basically the equivalent of a supervisory position, but was turned down by Carderella as the
4 assignment was not to a "covered position."

5
6 14. Defendant's non-selection of Plaintiff for the position of DEO constitutes
7 disparate treatment in violation of Title VII Of the United States Civil Rights Act of 1964, as
8 amended and Title 42 United States Code Section 2000e-16 in that the Defendant denied an
9 employment opportunity to Plaintiff because of Plaintiff's race (white), sex (male), religion
10 (Catholic) and national origin (Italian).

11
12 15. Defendant's discriminatory action(s) against Plaintiff, which constitutes an
13 unlawful employment practice in violation of Title VII of the United States Civil Rights Act of
14 1964, as amended, Title 42 United States Code Section 2000e-16, has caused and will continue
15 to cause Plaintiff losses of retirement credits, from the date of September 15, 1996 until the date
16 on which Plaintiff is given the retirement credits which he would have received if he had been
17 hired for the position for which he applied.

18
19 16. Defendant's discriminatory action(s) against Plaintiff, which constituted
20 an unlawful employment practice in violation of Title VII of the United States Civil Rights Act
21 of 1964, as amended, Title 42 United States Code Section 2000e-16, has also caused and will
22 continue to cause Plaintiff loss of pension rights and other benefits accruing, from the date of
23 non-selection of September 15, 1996 to present in an amount according to proof at the time of
24 trial.

25
26 17. The above recited actions of Defendant were done with reckless
27 indifference to Plaintiff's rights under Title VII in that Defendant's conduct warrants the
28

1 assessment of punitive damages in an amount sufficient to punish Defendant and deter others
2 from engaging in similar misconduct..

3 18. On January 29, 1997 Plaintiff filed a complaint of discrimination with the
4 U.S. Department of Justice-Immigration and Naturalization Service-Office of Equal
5 Employment Opportunity. A true and correct copy of his written complaint is attached hereto as
6 Exhibit A and incorporated herein by reference as though set forth in full. That complaint was
7 timely filed, under Title VII of the United States Civil Rights Act of 1964, as amended, Title 42
8 United States Code 2000e-5.
9

10 19. By letter dated April 24, 1997, the U.S. Department of Justice-
11 Immigration and Naturalization Service-Office of Equal Employment Opportunity
12 acknowledged receipt of the complaint noting it has been assigned number I-97-0109 and had
13 been accepted for investigation on the basis of race (white), religion (Catholic), sex (male) and
14 national origin (Italian). A true and correct copy of the letter of said date is attached hereto as
15 Exhibit B and incorporated herein by reference as though set forth in full.
16

17 20. An investigation was conducted on the complaint and, based upon that
18 investigation, a report was issued on or about December 14, 1998, a true and correct copy of
19 which is attached hereto as Exhibit C and incorporated herein by reference as though set forth in
20 full.
21

22 21. On or about December 29, 1998, Plaintiff received, from the US
23 Department of Justice Immigration and Naturalization Service Office of Equal Employment
24 Opportunity, notice of the right within 30 days of receipt of such correspondence to request a
25 hearing or a final agency decision without a hearing based on the existing complaint. A true and
26
27
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1 correct copy of the December 29, 1998 letter is attached hereto as Exhibit D and incorporated
2 herein by reference as though set forth in full.

3 22. On January 24, 1999, in response to said letter, Plaintiff notified in writing
4
5 The Acting Director of Office of Equal Employment Opportunity US Immigration And
6 Naturalization Service of his request for a final agency decision without a hearing. True and
7 correct copies of the January 24, 1999 letter requesting a final decision without hearing together
8 with proof of mailing and a receipt are attached hereto as Exhibit E and incorporated herein as
9 though set forth in full.

10
11 23. By letter dated December 18, 2007 John Stillman of Good Wildman
12 Hegness & Walley, attorney for the Plaintiff, advised US Immigration and Customs Enforcement
13 EEO Complaints Program Management Office-Twin Cities (Judy Maltby) that Plaintiff had not
14 received any response whatsoever to his January 29, 1999 request for a final decision without
15 hearing. True and correct copies of Mr. Stillman's December 18, 2007 letter with proof of
16 mailing and a receipt are attached hereto as Exhibit F and incorporated by reference herein as
17 though set forth in full.

18
19 24. By letter dated August 1, 2008, Plaintiff's attorney received a letter from
20 Ramona S. Hill, acting EEO Manager, Formal Complaint Center Office of Equal Employment
21 Opportunity for US Immigration and Customs Enforcement, a true and correct copy of which is
22 attached hereto as Exhibit G and incorporated herein by reference as though set forth in full,
23 wherein she informed Mr. Stillman that the office is unable to locate Plaintiff's complaint and
24 requested that Plaintiff submit a copy of the report of investigation generated in his claim as well
25 as any other relevant documentation within 15 calendar days of the August 1, 2008 letter, to
26 Gerald Rock, Contract EEO Specialist, U.S. Immigration and Customs Enforcement Office of
27
28

1 Equal Employment Opportunity formal complaint Center. In response, by letter dated August 12,
2 2008 Plaintiff forwarded to Gerald Rock, Plaintiff's letter of representation, a copy of the report
3 of investigation and other relevant documentation. True and correct copies of the August 12,
4 2008 letter with evidence of receipt are attached hereto as Exhibit H. and incorporated herein by
5 reference as though set forth in full.
6

7 25. On September 8, 2008, Plaintiff and his attorney were copied with a memo
8 from Ramon S. Hui, Acting EEO Manager to Daniel Sutherland Officer for Civil Rights and
9 Civil Liberties Department of Homeland Security, instructing Mr. Sutherland, "Pursuant to
10 Complainant's request dated January 24, 1999, please issue a final agency decision (F.A.D.) on
11 the legacy Department of Justice (DOJ), Immigration and Naturalization Service discrimination
12 complaint captured above." A true and correct copy of the September 8, 2008 memorandum is
13 attached hereto as Exhibit I and incorporated herein by reference as though set forth in full.
14

15 26. On January 15, 2009, Plaintiff's attorney informed Stephen T. Shih.Esq.
16 Deputy Officer Equal Employment Opportunity Program Office for Civil Rights and Civil
17 Liberties that he had still not received any final decision without hearing on his discrimination
18 complaint. A true and correct copy of his attorney's letter of January 15, 2009 is attached hereto
19 as Exhibit J and incorporated herein by reference as though set forth in full.
20

21 27. On August 7, 2009, Plaintiff's attorney wrote to the Department of
22 Homeland Security and in particular to Stephen T. Shih. Esq. Deputy Officer, Equal
23 Employment Opportunity Program, Office for Civil Rights and Civil Liberties to inquire as to
24 the status of the Final Agency Decision and was advised by letter dated October 2, 2009 that a
25 decision would be issued as soon as possible. True and correct copies of the August 7th letter and
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1 the October 2nd response is attached hereto as Exhibit K and Exhibit L and incorporated herein
2 by reference as though set forth in full.

3
4 28. As of the date of filing of this complaint, the Plaintiff still has not received
5 a final decision without hearing on his discrimination complaint and/or any further
6 communications from the government agencies.

7 WHEREFORE, Plaintiff prays judgment as follows:

- 8 1. For credit toward retirement as if having been in a "covered" position since the
9 beginning of his employment with the United States Bureau of Prisons in 1991 to the present.
10
11 2. For compensatory damages according to proof;
12
13 3. For punitive damages in an amount appropriate to punish Defendant and deter
14 others from engaging in similar misconduct;
15
16 4. For costs of suit, including reasonable attorney's fees and expert fees, pursuant to
17 Title 42 United States Code Section 2000e-5(k) and other applicable laws; and
18
19 5. For such other and further relief as the court deems proper.

20 Dated: November 10, 2009

GOOD, WILDMAN, HEGNESS & WALLEY

21 By:

22 John A. Stillman, Attorneys for Plaintiff
23 Frank Joseph Carderella

24 DEMAND FOR JURY TRIAL:

25 Plaintiff hereby demands a jury trial as provided by Rule 38(a) of the Federal Rules of
26 Civil Procedure.

GOOD, WILDMAN, HEGNESS & WALLEY

27 By:

28 John A. Stillman, Attorneys for Plaintiff
Frank Joseph Carderella

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY

This case has been assigned to District Judge Manuel Real and the assigned discovery Magistrate Judge is Margaret A. Nagle.

The case number on all documents filed with the Court should read as follows:

CV09- 8299 R (MANx)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

Unless otherwise ordered, the United States District Judge assigned to this case will hear and determine all discovery related motions.

=====

NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

☒ **Western Division**
312 N. Spring St., Rm. G-8
Los Angeles, CA 90012

☐ **Southern Division**
411 West Fourth St., Rm. 1-053
Santa Ana, CA 92701-4516

☐ **Eastern Division**
3470 Twelfth St., Rm. 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

Name & Address:

John A. Stillman, Esq., State Bar No. 43731
Heidi Stilb Lewis, Esq., State Bar No. 98046
GOOD, WILDMAN, HEGNESS & WALLEY
5000 Campus Drive
Newport Beach, California 92660

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

FRANK JOSEPH CARDERELLA

CASE NUMBER

CV09-8299 R (MANx)

PLAINTIFF(S)

v.

JANET NAPOLITANO, as Secretary of the
Department of Homeland Security

DEFENDANT(S).

SUMMONS

TO: DEFENDANT(S): JANET NAPOLITANO, as Secretary of the Department of Homeland Security

A lawsuit has been filed against you.

Within 60 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached ☒ complaint ☐ amended complaint
☐ counterclaim ☐ cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, JOHN A. STILLMAN, ESQ., whose address is Good, Wildman, Hegness & Walley, 5000 Campus Drive, Newport Beach, CA 92660. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Clerk, U.S. District Court

Dated: 13 NOV 2009By: Shirley Boyer

Deputy Clerk

(Seal of the Court)

[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3)].

I (a) PLAINTIFFS (Check box if you are representing yourself ☐)
FRANK JOSEPH CARDERELLA

DEFENDANTS
JANET NAPOLITANO, as Secretary of the Department of Homeland Security

(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.)

John A. Stillman, Esq., SBN 43731; Heidi Stilb Lewis, Esq., SBN 98046
GOOD, WILDMAN, HEGNESS & WALLEY, 5000 Campus Drive, Newport
Beach, CA 92660; Tel: 949-955-1100; Fax: 949-833-0633

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an X in one box only.)

- ☐ 1 U.S. Government Plaintiff ☐ 3 Federal Question (U.S. Government Not a Party)
☒ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only
(Place an X in one box for plaintiff and one for defendant.)

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. ORIGIN (Place an X in one box only.)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify): ☐ 6 Multi-District Litigation ☐ 7 Appeal to District Judge from Magistrate Judge

V. REQUESTED IN COMPLAINT: JURY DEMAND: ☒ Yes ☐ No (Check 'Yes' only if demanded in complaint.)

CLASS ACTION under F.R.C.P. 23: ☐ Yes ☒ No

☒ MONEY DEMANDED IN COMPLAINT: \$ Unknown

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)
42 USCA 2000e - Employment Discrimination

VII. NATURE OF SUIT (Place an X in one box only.)

OTHER STATUTES	CONTRACT	TORTS	TORTS	PRISONER	LABOR
<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes	<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability BANKRUPTCY <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 American with Disabilities - Employment <input type="checkbox"/> 446 American with Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General Habeas Corpus <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition FORN DISCRIMINATION <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input checked="" type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) (405(g)) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609

FOR OFFICE USE ONLY: Case Number: _____

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

VIII(a). **IDENTICAL CASES:** Has this action been previously filed in this court and dismissed, remanded or closed? ☒ No ☐ Yes
 If yes, list case number(s): _____

VIII(b). **RELATED CASES:** Have any cases been previously filed in this court that are related to the present case? ☒ No ☐ Yes
 If yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) ☐ A. Arise from the same or closely related transactions, happenings, or events; or
☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or
☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or
☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: (When completing the following information, use an additional sheet if necessary.)

- (a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named plaintiff resides.
☐ Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
LOS ANGELES	

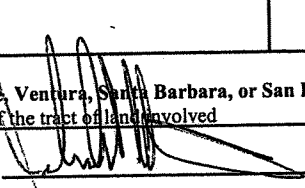
- (b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named defendant resides.
☒ Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country

- (c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** claim arose.
Note: In land condemnation cases, use the location of the tract of land involved.

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
LOS ANGELES	

* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties
Note: In land condemnation cases, use the location of the tract of land involved

X. SIGNATURE OF ATTORNEY (OR PRO PER):  Date 11/10/09

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))